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OCT-03-2003 FRI 01:00 PM SALIWANCHIK, LLOYD & SALIWA FAX NO. 352 372 5800

P. 01

FACSIMILE COVER SHEET

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Dept: Initial Patent Examination

FROM: David R. Saliwanchik
(Reg. No. 31,794)

COMPANY: U.S. Patent Office

DATE: October 3, 2003

FAX NO.: (703) 746-9195

NO. OF PAGES
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SUBJECT/MESSAGE:

Re: Serial No. 09/685,403; filed October 10, 2000
Attorney Docket No. CIB-T100XC1

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

October 3, 2003

David Saliwanchik

David R. Saliwanchik, Patent Attorney

REQUEST FOR CORRECTION OF FILING RECEIPT

Examining Group 1638

Patent Application

Docket No. CIB-T100XC1

Serial No. 09/685,403

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter R. Beetham, Patricia L. Avissar, Keith A. Walker, and Richard A. Metz
Serial No. : 09/685,403
Filed : October 10, 2000
For : Non-Transgenic Herbicide Resistant Plant
Examiner : David H. Kruse
Art Unit : 1638
Conf. No. : 4644

Mail Stop Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

The applicants respectfully request the correction of the Corrected Filing Receipt received for the above-identified patent application. The correction needed is under section "Applicant(s)". Applicant "Patrica L. Avissar" is incorrectly spelled.

Please correct the applicant's name to read as follows:

Patricia L. Avissar, East Brunswick, NJ

2

Docket No. CIB-T100XC1
Serial No. 09/685,403

Attached herewith is a copy of the Declaration and Power of Attorney that was filed in the subject application. Also, attached is a copy of a previously submitted request for correction of Filing Receipt, dated January 29, 2001. A marked-up copy of the erroneous Corrected Filing Receipt accompanies this Request. Correction of the above is respectfully requested.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone No.: 352-375-8100
Address : 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

DRS/an

Attachments: Copy of Declaration and Power of Attorney;
Copy of Request for Correction of Filing Receipt dated January 29, 2001; and
Marked-up copy of erroneous Corrected Filing Receipt.

PENNIE & EDMONDS LLP DOCKET NO. 7991-086

DECLARATION
AND POWER OF ATTORNEY

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

NON-TRANSGENIC HERBICIDE RESISTANT PLANTS

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on (if applicable)
- ☐ was filed in the United States on as Application No. (for declaration not accompanying application)
- with amendment(s) filed on (if applicable)
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/158,027	October 7, 1999
60/173,564	December 30, 1999

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Mieruck (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Luster, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28463), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galiani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerreto (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Sitt (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS LLP DOCKET NO. 7991-086

SEND CORRESPONDENCE TO:		PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711		DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME BEETHAM	FIRST NAME PETER	MIDDLE NAME R.	
	RESIDENCE & CITIZENSHIP	CITY CARLSBAD	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP AUSTRALIA	
	POST OFFICE ADDRESS	STREET 7128 Tanager Drive	CITY CARLSBAD	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92009
202	FULL NAME OF INVENTOR	LAST NAME AVISSAR	FIRST NAME PATRICIA	MIDDLE NAME L.	
	RESIDENCE & CITIZENSHIP	CITY EAST BRUNSWICK	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 32 REVOCK ROAD	CITY EAST BRUNSWICK	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08816
203	FULL NAME OF INVENTOR	LAST NAME WALKER	FIRST NAME KEITH	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY SAN DIEGO	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 13315 ROXTON CIRCLE	CITY SAN DIEGO	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92130
204	FULL NAME OF INVENTOR	LAST NAME METZ	FIRST NAME RICHARD	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY LAWRENCEVILLE	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 37 WINTHROP ROAD	CITY LAWRENCEVILLE	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08648

I HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUING THEREON.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
PETER R. BEETHAM	PATRICIA L. AVISSAR	KEITH A. WALKER
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204		
RICHARD A. METZ		
DATE		

Express Mail No.: EL 501 636 891 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beetham et al.

Serial No.: 09/685,403

Group Art Unit: 1638

Filed: October 10, 2000

Examiner: To be Assigned

For: **NON-TRANSGENIC HERBICIDE
RESISTANT PLANTS** Attorney Docket No.: 7991-086

COPY

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

Sir:

Enclosed is the original and one copy of the filing receipt for the present application. A Response to the Notice of Missing Parts is also enclosed.

Please note the following errors where highlighted and indicated in red ink on the copy of the filing receipt:

The Continuing Data as claimed by Applicant is incorrect.

The correct data are as follows:

This application claims benefit of both U.S. Provisional Application No. 60/158,027, filed October 7, 1999 and U.S. Provisional Application No. 60/173,564, filed December 30, 1999.

Also, the Applicants information is incorrect.

The correct Applicants data is as follows:

Peter R. Beetham, Carlsbad, CA;

Patricia L. Avissar, East Brunswick, NJ;

Kelth A. Walker, San Diego, CA; and

NY2 - 1163968.1

Richard A. Metz, Lawrenceville, NJ.

No fee is believed due. However, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: January 29, 2001

Thomas E. Friebe 29,258
Thomas E. Friebe (Reg. No.)

By:

William Thormann 40,203
William Thormann (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/685,403	10/10/2000	1638	1529	7991-086	10	24	5

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

CONFIRMATION NO. 4644

CORRECTED FILING RECEIPT



OC000000005880223

Date Mailed: 03/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Insert
"I"Peter R. Beetham, Carlsbad, CA;
Patrica L. Avissar, East Brunswick, NJ;
Keith A. Walker, San Diego, CA;
Richard A. Metz, Lawrenceville, NJ;

Please Correct:

← "Patricia"

Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/158,027 10/07/1999
AND CLAIMS BENEFIT OF 60/173,564 12/30/1999

Foreign Applications

If Required, Foreign Filing License Granted 01/11/2001

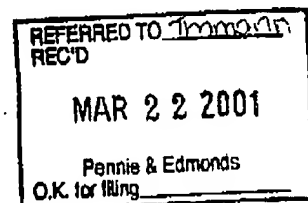
Projected Publication Date:

Non-Publication Request: No

Early Publication Request: No

Title

Non-transgenic herbicide resistant plants



Preliminary Class

435

Data entry by : VINES, YOLANDA

Team : 1600

Date: 03/19/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1